


SEALED

United States District Court

Page ID NORTHERN DISTRICT OF TEXAS FILED FEB 22 2019 TEXAS CLERK, U.S. DISTRICT COURT By  Deputy
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NORTHERN DISTRICT OF

UNITED STATES OF AMERICA

V.

COMPLAINT

ARMANDO AVITIA, JR.

CASE NUMBER: 3:19mj 177-BK

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about February 21, 2019, in the Dallas Division of the Northern District of Texas, defendant ARMANDO AVITIA, JR., did,

knowingly and intentionally possessing with the intent to distribute one (1) kilogram or more of a mixture or substance containing a detectable amount of heroin, a Schedule I controlled substance,

in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(A).

I further state that I am a Special Agent with the Drug Enforcement Administration and that this complaint is based on the following facts:

See attached Affidavit of DEA SA James A. Henderson, which is incorporated and made a part hereof by reference.

Continued on the attached sheet and made a part hereof: XX Yes No

Signature of Complainant
James A. Henderson
SA, DEA

Sworn to before me and subscribed in my presence, on this 22 day of February 22, 2019, at Dallas, Texas.

RENEE HARRIS TOLIVER
UNITED STATES MAGISTRATE JUDGE
Name & Title of Judicial Officer

Signature of Judicial Officer

**AFFIDAVIT OF SPECIAL AGENT JAMES HENDERSON IN SUPPORT OF
APPLICATION FOR ARREST WARRANT**

I, James A. Henderson Jr., a Special Agent with the Drug Enforcement Administration, being duly sworn, state as follows:

AFFIANT'S EXPERIENCE

Your Affiant has been employed as a Special Agent with Drug Enforcement Administration since 1995. I am currently assigned to the DEA Dallas Field Office. As part of my official duties, I have been involved in numerous drug trafficking investigations, including gang and firearms related investigations. I have training and experience in the execution of search and arrest warrants, Title III investigations, and the debriefing of defendants, informants, and witnesses. I have received training regarding the manner in which drug traffickers obtain, finance, manufacture, transport, store, and distribute illegal drugs. I am familiar with the methods utilized by drug traffickers to conduct their business. I have utilized various investigative techniques including physical surveillance, undercover operations, the use of confidential informants, and wire intercepts. Further, I have participated in numerous interviews with defendants, confidential informants, witnesses, and others involved in illegal drug activity.

PURPOSE OF AFFIDAVIT

This affidavit is made in support of an application for a criminal complaint for Armando AVITIA, Jr.

THE INVESTIGATION – FACTUAL BACKGROUND

Because this affidavit is being submitted for the limited purpose of establishing probable cause for a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth facts that I believe are necessary to establish probable cause of a violation of federal criminal offense, specifically 21 U.S.C. § 841(a)(1) and 841 (b)(1)(A).

PROBABLE CAUSE

In February of 2019, the Grand Prairie Police Department Narcotics Unit (GPPD) received information of a location within the city limits of Grand Prairie that was distributing ounce quantities of heroin. The GPPD was provided a partial name of the suspect, general location, vehicle description, and a photograph. Through investigation efforts, GPPD identified the suspect as Armando AVITIA, Jr., and positively identify AVITIA's residence as 145 Pioneer Parkway #1007, Grand Prairie, Dallas County, Texas.

On February 20, 2019, GPPD conducted surveillance of AVITIA's residence. During the surveillance, GPPD observed a vehicle arrive at the residence. The driver of the vehicle entered the residence and stayed for approximately 10 minutes. GPPD surveilled the vehicle once it departed the residence. A GPPD undercover vehicle was able to travel adjacent to the vehicle and GPPD Detectives operating the undercover vehicle could detect the distinct odor of burning marijuana emitting from the vehicle. The odor of burnt marijuana was confirmed as detectives began to travel behind the vehicle.

A GPPD marked patrol unit initiated a traffic stop of the vehicle. Upon making contact with the occupants of the vehicle, the GPPD officer conducting the traffic stop immediately detected the odor of marijuana. A probable cause search of the vehicle was conducted and a tied/sealed sandwich bag, containing a green leafy substance (marijuana) was located. Upon further investigation, GPPD received information from an occupant of the vehicle that the marijuana was recently purchased at AVITIA's residence.

Based on the facts and observations of their investigation, GPPD obtained a search warrant for AVITIA's residence. Dallas County Magistrate Judge Bryan S. Arnold signed the search warrant on February 21, 2019.


On February 21, 2019, approximately 6:32 p.m., GPPD executed the search warrant at the AVITIA residence, 145 Pioneer Parkway #1007, Grand Prairie, Dallas County, Texas. During the search of AVITIA's residence, GPPD seized approximately 3.6 pounds of heroin, along with other controlled substances in distributable quantities, and multiple firearms. GPPD field tested the heroin with positive results.

On audio/video, GPPD Detective Adrian Renteria advised AVITIA of his rights, per *Miranda*. AVITIA stated he understood and consented to be interviewed. AVITIA admitted the heroin seized from his residence belonged to him. AVITIA further stated that his wife had no involvement in narcotics trafficking.

On February 21, 2019, approximately 10:00 p.m., Detective Renteria, DEA Task Force Officer Justin Quinn, and I interviewed AVITIA at the Grand Prairie Police Department. The interview was audio recorded. AVITIA was reminded of his rights, per *Miranda*. AVITIA consented to be interviewed. AVITIA confirmed the heroin seized

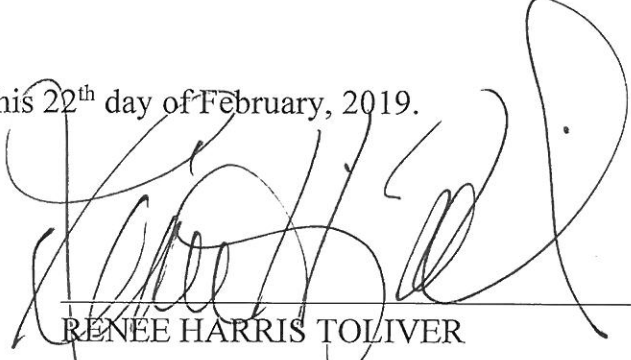
from his residence was his. AVITIA further admitted to selling street level amounts of heroin.

Based on the information set forth in the application, I believe that there is probable cause to believe that Armando AVITIA, Jr., did knowingly and intentionally possess with intent to distribute more than 1 kilogram of a mixture or substance containing a detectable amount of heroin, in violation of 21 U.S.C. § 841(a)(1) and 841(b)(1)(A).



James A. Henderson Jr.
Special Agent
Drug Enforcement Administration

Sworn and subscribed to me this 22th day of February, 2019.



RENEE HARRIS TOLIVER
United States Magistrate Judge
Northern District of Texas